IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Bail Appl..No. 835 of 2007()

CRIME NO. 4/07 OF AGALI POLICE STATION

APPLICANTS/ACCUSED NO.3 AND 16

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1. KANNAN @ SHIVADASAN,
   S/O.GOPALAN NAIR, EDUKATTIL PUTHEN VEEDU,
   ANDIPADAM, MANNARKKAD (REAL ESTATE).

2. K.BHASKARAN, S/O.RAMAN,
   ANIL NIVAS, ARAKURUSSI, MANNARKKAD (ELECTRICIAN).

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON 15/02/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Applications NO. 834 and 835 of 2007

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Dated, this the 15th day of February 2007

ORDER

These are applications for regular bail. The petitioners in B.A. 834/07 are accused Nos. 4 and 7 to 14 and the petitioners in B.A. 835/07 are accused Nos. 3 and 16 in Crime No. 4/07 of Agali Police Station for offences punishable under Sections 450, 342, 395 and 427 I.P.C. and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The occurrence took place after midnight on 10-1-2007. Accused Nos. 3 and 16 were arrested on 17-01-2007. Accused Nos. 4 and 7 to 15 were arrested on 12-1-2007.

3. The learned Public Prosecutor opposed the application.

4. The case of the prosecution is that some time after midnight on 10-1-2007 first accused Abdul Khader and 50 others with the intention of committing robbery and demolishing the house of the de facto complainant Selvaraj, criminally trespassed into the said house at Naikkanpady in Agali Village armed with deadly weapons and after removing the six inmates of the house

to an adjacent store room at knife's point committed robbery of one Television, a C.D Player, a sewing machine and then demolished the house using to J.C.Bs. The 11 cows in the cattle shed were also stolen. The inmates of the house were then removed to the P.W.D's rest house at Agali in a Qualis car and confined in a room. Thereafter the store room was also demolished. The stolen articles were then transported in lorries and tractors. The motive for the occurrence is the dispute between Selvaraj and the first accused Abdul Khader.

5. A tense situation still prevails in that area. Accused Nos. 3 and 16 are hired gundas. A few more hired gundas who participated in the occurrence are yet to be apprehended by the police. The investigation is still at the preliminary stage. If at this stage of investigation, the petitioners are released on bail, they will definitely influence and intimidate the prosecution witnesses and that will hamper the smooth investigation of the case.

These petitions are accordingly dismissed.

V. RAMKUMAR, (JUDGE)

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